

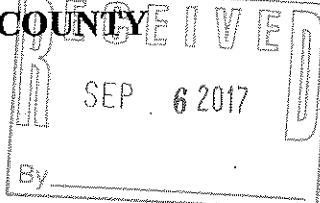


**PETITION TO AMEND THE  
ZONING REGULATIONS OF  
HOWARD COUNTY**

DPZ Office Use Only:

Case No. ZRA- 182

Date Filed: 9/6/17



**1. Zoning Regulation Amendment Request**

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: To amend Section 119.0.B.61 to eliminate the requirement that nursing homes and residential care facilities be limited to sites located in the Non-Planned Service Area for Water and Sewerage.

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

**2. Petitioner's Name** David Moxley

Address 3820 Championship Drive, Glenwood, Maryland 21739

Phone No. (W) 410-465-4242 (H) 410-370-8529

Email Address dmoxleyb1@gmail.com

**3. Counsel for Petitioner** William E. Erskine, Esq.

Counsel's Address 8171 Maple Lawn Boulevard, Suite 200, Fulton, Maryland 20759

Counsel's Phone No. 301-575-0363

Email Address werskine@offitkurman.com

- 4.** Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed As set forth in greater detail in Section 5 hereinbelow, the County has experienced, and is projected to continue to experience, a dramatic growth in the number of senior residents desiring to age in place in the County; and as such residents' ability to live independently diminishes, there is and will continue to be a need to secure housing with supportive services. Nursing homes and residential care facilities provide such supportive services and in order to accommodate the projected growth in the County's senior population, the County must support minor revisions to existing Regulations to ensure a healthy supply of nursing homes and residential care facilities for the future.

HOWARD COUNTY COUNCIL  
RECEIVED

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5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County See Supplemental Responses attached hereto.

[You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5"]

6. The Legislative Intent of the Zoning Regulations in Section 100.0.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.0.A. See Responses to Sections 4 and 5 above. The proposed ZRA will eliminate an unnecessary limitation to the permitted nursing home and residential care facility use in the B-2 (Business: General) Zoning District and, thus, provide greater flexibility under the Regulations to allow increased opportunities to fulfill the documented and pressing need within the County for expanded supportive housing options for the County's senior population.

[You may attach a separate document to respond to Section 6. If so, this document shall be titled "Response to Section 6."]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s). See Sections 4-6 above.

[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more

than one property, yes or no? Yes

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

The proposed ZRA removes a limitation affecting the nursing home and residential care facility permitted use in the B-2 (Business: General) Zoning District. As such, the ZRA has the potential to affect all properties located within such Zoning District.

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition. See Sections 4 and 6 above.

[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

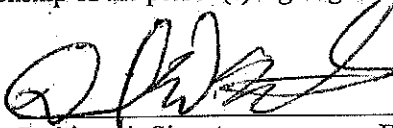
10. You must provide the full proposed text of the amendment(s) as a separate document entitled

"Petitioner's Proposed Text" that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in **[[ Double Bold Brackets ]]**. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the "Petitioner's Proposed Text" to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.

11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.
12. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

David Moxley  
Petitioner's name (Printed or typed)

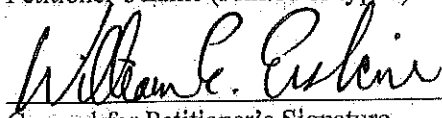
 8-30-17  
Petitioner's Signature Date

Petitioner's name (Printed or typed)

Petitioner's Signature Date

Petitioner's name (Printed or typed)

Petitioner's Signature Date

  
Counsel for Petitioner's Signature

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

FEE

The Petitioner agrees to pay all fees as follows:

Filing fee .....\$695.00. If the request is granted, the Petitioner shall pay \$40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment (\$40.00 minimum, \$85.00 maximum)

Each additional hearing night..... \$510.00\*

- \* The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.

**APPLICATIONS: One (1) original plus twenty (24) copies along with attachments.**

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**For DPZ office use only:**

Hearing Fee \$ \_\_\_\_\_

Receipt No. \_\_\_\_\_

**PLEASE CALL 410-313-2395 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION**

**County Website: [www.howardcountymd.gov](http://www.howardcountymd.gov)**

Revised: 07/12  
T:\Shared\Public Service and Zoning\Applications\County Council\ZRA Application

**INSTRUCTIONS TO THE APPLICANT/PARTY OF RECORD**

- As required by State Law, applicants are required to complete the AFFIDAVIT AS TO CONTRIBUTION that is attached, and if you have made a contribution as described in the Affidavit, please complete the DISCLOSURE OF CONTRIBUTION that is attached.
- If you are an applicant, Party of Record (i.e., supporter/protestant) or a family member and have made a contribution as described in the Affidavit, you must complete the DISCLOSURE OF CONTRIBUTION that is attached.
- Filed affidavits and disclosures will be available for review by the public in the office of the Administrative assistant to the Zoning Board during normal business hours.
- Additional forms may be obtained from the Administrative Assistant to the Zoning Board at (410-313-2395) or from the Department of Planning and Zoning.
- Completed form may be mailed to the Administrative Assistant to the Zoning Board at 3430 Courthouse Drive, Ellicott City, MD 21043.
- Pursuant to State Law, violations shall be reported to the Howard County Ethics Commission.

PETITIONER: David Moxley

**AFFIDAVIT AS TO CONTRIBUTION**

**As required by the Annotated Code of Maryland  
State Government Article, Sections 15-848-15-850**

I, David Moxley, the applicant in the above zoning matter

✓, HAVE                      HAVE NOT

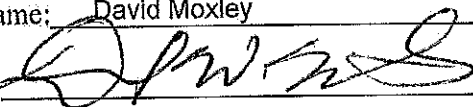
made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate or the treasurer of a political committee during the 48-month period before application in or during the pendency of the above referenced zoning matter.

I understand that any contribution made after the filing of this Affidavit and before final disposition of the application by the County Council shall be disclosed within five (5) business days of the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Risa H. King

Printed Name: David Moxley

Signature: 

Date: 8-30-17





PETITIONER: David Moxley

### DISCLOSURE OF CONTRIBUTION

As required by the Annotated Code of Maryland  
State Government Article, Sections 15-848-15-850

This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate of the treasurer of a political committee during the 48-month period before the application was file or during the pendency of the application.

Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

APPLICANT OR

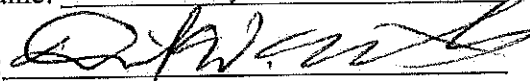
PARTY OF RECORD: David Moxley via Eco Development, Inc., Sole Stockholder

#### RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
<u>The Calvin Ball Team</u>	<u>October 21, 2014</u>	<u>\$300.00</u>
<u>Friends of Courtney Watson</u>	<u>October 28, 2013</u>	<u>\$75.00</u>
<u>Friends of Courtney Watson</u>	<u>April 15, 2013</u>	<u>\$500.00</u>

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Printed Name: David Moxley

Signature: 

Date: 8-30-17

PETITIONER: David Moxley

**AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL**

**As required by the Annotated Code of Maryland  
State Government Article, Sections 15-848-15-850**

I, David Moxley, the applicant in the above zoning matter  
                    , AM   ✓   AM NOT

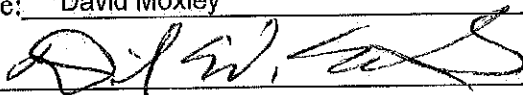
Currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland.

I understand that if I begin engaging in business with an elected official between the filing of the application and the disposition of the application, I am required to file an affidavit in this zoning matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

David Moxley

Printed Name: David Moxley

Signature: 

Date: 8-30-17



**Supplemental Responses**  
**to**  
**Petition to Amend the Zoning Regulations of**  
**Howard County, Maryland**

**Response to Section 5:**

*Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County:*

The removal of the “Non-Planned Service Area” limitation from the nursing home and residential care facility permitted use in the B-2 (Business: General) Zoning District Regulations under the Petitioner’s the proposed ZRA fulfills a number of stated land use policies within the General Plan and satisfies a growing and documented need for supportive housing options for the County’s growing senior population. Specifically,

Chapter 6 (Growth) of the Howard County General Plan notes the following:

[w]hereas the total U.S. population grew by 9.7% from 2000 to 2010, those entering the 45 to 64 year age cohort, the approximate ages of the baby boomers, increased by 31.5% during that time period. Baby boomers currently make up about 29% of the countywide population and are starting to move into the 65-plus age cohort.

*PlanHoward, Chapter 6 (Growth), pg. 66*

Furthermore, the Howard County General Plan makes the pertinent finding that

[w]hereas the overall County population increased by 16%, those 65 and over increased by 57%. There are now 10,577 more residents 65 and older compared to ten years ago – 29,045 total in 2010 compared to 18,468 in 2000. Almost 27% of the total increase of 39,243 residents over the decade was comprised of those aged 65 and older. The very old, 85 and over, increased by 47%. This trend will continue as the baby boomers continue to age.

*PlanHoward, Chapter 6 (Growth), pg. 66*

As such, Policy 9.4 of the Howard County General Plan aims to “expand housing options to accommodate the County’s senior population who prefer to age in place and people with special needs.” In support of that Policy Goal, the Howard County General Plan finds that the

County’s housing stock should support the aging population and will need to continue General Plan 2000 policies to promote diverse senior housing for those that wish or need to downsize to more easily

maintained units as they age. The policies should also continue to support seniors who choose to age in place in their own homes or in their own communities...The County also recognizes that as older residents' ability to live independently diminishes, they often need to move to housing that provides support services. There are both nursing and assisted living options for seniors in the County, offering a continuum of services, from acute care to congregate and group housing to in-home services. In order to accommodate the projected 19% of residents age 65 or older by 2030, the County's support of continuing care housing and services must be maintained.

*PlanHoward, Chapter 9 (Housing), pp. 130-131*

**PETITIONER'S PROPOSED TEXT**

**SECTION 119.0: -B-2 (Business: General) District**

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**B. Uses Permitted as a Matter of Right**

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61. Nursing homes and residential care facilities[], in the Non-Planned Service Area for Water and Sewerage[].

**PETITIONER'S PROPOSED TEXT**  
**[AS REVISED]**

**SECTION 119.0: -B-2 (Business: General) District**

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**B. Uses Permitted as a Matter of Right**

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61. Nursing homes and residential care facilities.